UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE COMPANY, INC.,

Plaintiff,

vs.

INTUITIVE SURGICAL, INC.,

Defendant.

Case No. 3:21-CV-03496-VC

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED
DEPOSITION OF GREG POSDAL
30(B)(6), SURGICAL INSTRUMENT SERVICE COMPANY

Tuesday, November 1, 2022
Remotely Testifying from Phoenix, Arizona

Stenographically Reported By:
Hanna Kim, CLR, CSR No. 13083
Job No. 5541334-A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE COMPANY, INC.,	)	
Plaintiff,	)	
vs.	)	Case No. 3:21-CV-03496-VC
INTUITIVE SURGICAL, INC.,	)	
Defendant.	)	

Virtual videoconference video-recorded deposition of GREG POSDAL, in the capacity of a 30(B)(6) witness of Surgical Instrument Service Company, Remotely Testifying from Phoenix, Arizona, on Tuesday, November 1, 2022, beginning at 9:01 a.m., PDT, and concluding at 10:52 a.m., pursuant to the stipulations of counsel thereof, before Hanna Kim, CLR, Certified Shorthand Reporter, No. 13083.

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sterile processing, there's another set of eyes on it to make sure that it appears to be safe for work. At that time, they're pulled out.

With the Intuitive instruments, there's a forced inspection at ten. And we were willing to abide by that same inspection process. 09:48:01

Q. Do you believe there would have been a regulatory issue with adding 19 lives to an instrument as opposed to just adding ten?

MR. SNYDER: Objection to form. 09:48:24

THE WITNESS: No.

BY MR. CHAPUT:

Q. Why not?

A. Well, Intuitive's own 510(k) submission called this item substantially equivalent to predicate devices, and those are the devices that we've repaired for decades. 09:48:40

Q. Why does that mean that there's no regulatory issue with adding 19 lives to an instrument as opposed to the ten that it's initially set for? 09:49:01

A. There are --

MR. SNYDER: Objection to form.

THE WITNESS: There are no regulations for that. The FDA stayed out of repair. They don't -- 09:49:09

we've had -- it has not been a necessity to deal with any regulatory issues with re- -- regarding the repair of surgical instrumentation.

BY MR. CHAPUT:

Q. So I -- I think implicit in what you just said is that SIS has determined that its reset process is a repair; is that correct? 09:49:25

MR. McCAULLEY: Objection to form.

THE WITNESS: The -- the reset process is -- we've used repair as kind of an umbrella term. That could be resetting the chip, could be repairing an instrument. So I don't -- I don't know if that answers your question specifically. But simply evaluating the instrument and resetting the chip wouldn't technically be a repair. No repair was done. The chip was reset. So it would depend on the condition and what services were performed. 09:49:39 09:50:03

BY MR. CHAPUT:

Q. Okay. I'm just -- I'm just trying to reconcile these questions because initially you said there's -- there's no problem because the FDA has stayed out of repair, but you also just said that if there's a chip reset without anything else done, that that doesn't count as repair. So I -- I'm -- what I'm trying to understand is, how did SIS come 09:50:27 09:50:44